

**AGENDA  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
MARCH 10, 2020 @ 6:00 P.M.**

**AGENDA  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
MARCH 10, 2020 @ 6:00 P.M.**

- I. APPROVAL OF AGENDA**
- II. INTRODUCTION OF COMMISSION MEMBERS**
- III. APPROVAL OF MINUTES FROM FEBRUARY 11, 2020**
- IV. PUBLIC HEARINGS**

**VARIANCE(S) / SPECIAL USE PERMIT(S) / REZONING(S):**

**P20-09F.** A Special Use Permit request to allow a paint and body shop in a former automotive part shop, zoned as Community Commercial (CC) and Heavy Industrial (HI), located at 350 E. Russell Street (Tax Map # 0437-72-8456), 0.63 acres ± and being the property of Jimmy & Mary Fann and William & Catherine Fann, represented by Edgar Quinones. (Jennifer Baptiste)

**P20-012F.** Rezoning of thirty-six properties located on Candlelight Drive off of Kenwood Drive from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), totaling 9.82 acres ± and being the properties of Measamer Construction Co. Inc and Westco Properties, LLC, represented by Tim Clark of McKim and Creed. (Jennifer Baptiste)

**P20-13F.** A Special Use Permit request to allow a communications tower to be located in a Community Commercial (CC) zoning district, located at 1876 Bureau Drive (Tax Map # 0455-17-6410) and being the property of Beasley Broadcasting. (Craig Harmon)

- V. OTHER BUSINESS**
- VI. ADJOURNMENT**

Please be advised that the City of Fayetteville Zoning Commission will conclude its meeting at 10:00 p.m. or after all business is completed, whichever comes first. If the Zoning Commission is in the midst of a case at 10:00 p.m., it is our intention to finish that case before adjournment. Cases yet to be heard will be continued to a date certain. Thank you for keeping your comments brief.

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
COUNCIL CHAMBERS  
FEBRUARY 11, 2020 @ 6:00 P.M.**

**MEMBERS PRESENT**

Kevin Hight, Chair  
David Baran, Vice Chair  
Willie Dorman Jr.  
Roger Shah  
Alex Keith

**STAFF PRESENT**

David Steinmetz, Assistant Director  
Taurus Freeman, Planning & Zoning Division Manager  
Jennifer C. Baptiste, Senior Planner  
Craig Harmon, Planner II  
Lisa Harper, Assistant City Attorney  
Catina Evans, Office Assistant II

The February 11, 2020, Zoning Commission Meeting was called to order by Vice Chairman David Baran at 6:04 p.m. Baran asked each member to announce themselves and each member stated their name. Baran asked if board members had any conflicts and each member stated no.

**I. APPROVAL OF AGENDA**

**MOTION:** Kevin Hight moved to approve the meeting agenda.  
**SECOND:** Roger Shah  
**VOTE:** Unanimous (5-0)

**II. MINUTES FOR JANUARY 14, 2020, MEETING**

**MOTION:** Kevin Hight moved to approve the minutes from the January 14, 2020, meeting.  
**SECOND:** Willie Dorman Jr.  
**VOTE:** Unanimous (5-0)

**III. PUBLIC HEARINGS**

The Zoning Commission is charged with the review of applications for rezoning, conditional rezoning, variances, and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our recommendation, they have the right to appeal to the city council, within 10 days of the recommendation. With respect to your presentation each side has a total of 15 minutes to present their case either for or against the applicant's request. However, this rule does not apply to Special Use Permits. The clock you see to your left will monitor the amount of time you are using. The time used in responding to questions asked by the commission will not be counted against you. The Special Use Permit process and the Variance process are Quasi-Judicial processes so those testifying will not have a time limit and will be sworn in.

No members of the Zoning Commission required/requested recusal from any case being presented.



David Steinmetz administered the oath to the witnesses for the Special Use Permit cases. Baran opened the public hearing.

**P20-05F.** Craig Harmon presented a request for a Special Use Permit to allow a warehouse owned by Strickland's Portion Pak Inc., to be located in a Community Commercial (CC) zoning district. The property, located at 2016 Sapona Road, is commercial zoned along with Medium Density Residential zoning. The business owns a house next door which will be torn down and rebuilt as a cooling unit. Rental units are located across from the business.

Staff recommends approval of the SUP based on the following:

- 1) This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- 2) The redevelopment of a portion of this property is allowed in the Community Commercial (CC) district and will not detract from the overall area;
- 3) The proposed SUP ensures that new development is compatible with the current zoning, UDO and growth pattern of the area;
- 4) The attached site plan, evidence provided by the developer and the conditions recommended above; and
- 5) There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Since no one signed up to speak in favor or opposition and the applicants did not wish to speak, Baran closed the hearing and called for a motion.

**MOTION:** Hight moved to approve the request for Special Use Permit (SUP) based on the following findings:

- 1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district;
- 8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Roger Shah

**VOTE:** Unanimous (5-0)

David Baran opened the hearing for case P20-06F.



**P20-06F.** Jennifer Baptiste presented the request for a Special Use Permit (SUP) by 4-D Solutions to allow them to expand their business located at 318 Eastern Boulevard and 442 South Eastern Boulevard. The land is Community Commercial (CC) zoned. The latter location previously contained a motel that was demolished. Based on the UDO of 2011, the area was a nonconforming site so the owners want to use the SUP to make the land compliant. An abandoned lot is located adjacent to the property and will serve as a spot for a repair and wash bay for returned equipment, which will be accessed through the existing site.

Staff required the SUP meet the following development conditions:

- The use shall be located at least 250 feet from any residential district, school, or child care center;
- No heavy equipment display shall be located within a required setback or perimeter buffer;
- The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage;
- No heavy equipment shall be displayed on the top of a building; and
- All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

Staff recommended approval of the SUP based on the following:

- The proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The expansion of this use is allowed in the Community Commercial (CC) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the 2010 Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

The speaker in favor was as follows:

Scott Brown, 409 Chicago Drive, Ste. 112, Fayetteville, NC 28306

Brown represented the applicant. He stated that the owners will leave the existing vegetation, but they want a wash facility as shown on the site plan. Although they want to keep the old driveway, they will utilize it as the access point along with any additions. Since this was new information, Hight asked Baptiste if it would affect the staff's approval of the project and she replied no. Hight also inquired if the trees would remain in the back as a buffer and Brown said that the trees would remain on the property.

Baran closed the hearing and called for a motion.

**MOTION:** Alex Keith moved to approve the request for the Special Use Permit for the Sunbelt site to allow for the uses described based on the following findings:

- 1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- 5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;



- 6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district;
- 8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Roger Shah

**VOTE:** Unanimous (5-0)

**P20-07F.** Craig Harmon presented the request for a Special Use Permit (SUP) to allow a duplex to be located in a Single Family 10 (SF-10) zoning district, located on 440 McPhee Drive. There is a school, Harris Teeter, condos, and a single-family neighborhood located in the area. Outside the area is a mixed development site. The current house located on the property needs repairs. The developers want to have one driveway, two garages and two parking spaces on site. The asphalt driveway will also connect to an accessory building in the back of the current structure.

Staff recommended approval of this SUP request based on the following:

- 1) This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- 2) The development of this use is allowed in the Single Family 10 district and will not detract from the overall area;
- 3) The proposed SUP ensures that new development is compatible with the current zoning, UDO and overall growth pattern of the area;
- 4) The attached site plan, elevations, evidence provided by the developer and the conditions recommended above; and
- 5) There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Staff did not recommend any conditions to this SUP request. The applicant was not present for the hearing.

Speakers in opposition to the project were as follows:

Nancy McCleary, 435 McPhee Drive, Fayetteville, NC 28305

McCleary opposed the project because she stated that it would detract from the neighborhood. According to McCleary, the blue house is not compatible with the current neighborhood houses. Furthermore, McCleary stated that if the developer added the proposed duplex to the neighborhood it would increase the current traffic issues, and the area where the house would reside is a flood zone.

Duncan Hubbard, 438 McPhee Drive, Fayetteville, NC 28305

The property is to the right of Hubbard's home and he stated that there is a three-foot wall between his home and the house in question. Although the current homes were built on a crawl space, this proposed building would be built on a slab and would be susceptible to flooding due to the lack of storm drains in the neighborhood. Hubbard was concerned that the house will not fit the current single-family houses in the area. He noted that the owners who bought, sold and then rebought the current house have done nothing to increase its value. Additionally, the duplex will be built close to his home to make room for a parking lot in the front

yard. Furthermore, the house is designed to fit multiple families which would in turn lead to multiple cars in front of the property. Hubbard voiced his opposition to the neighborhood changes and spoke against having multiple families living next to his home.

Chris Mercer, 445 McPhee Drive, Fayetteville, NC 28305

Mercer is concerned that the proposed duplex would impact the value of current homes in the area. Mercer stated that the current houses are unique, single-family homes that are great for small families. If they build this vastly different structure in their neighborhood eventually the current community would disappear.

Thomas Michael Lecka, 449 McPhee Drive, Fayetteville, NC 28305

Lecka wanted the neighborhood to stay the same and stated that building the duplex home would increase the drainage issues in the neighborhood.

Baran closed the hearing and requested a motion.

**MOTION:** Kevin Hight moved to reject the Special Use Permit due to the following finding:

The special use is not compatible with the surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands.

**SECOND:** Willie Dorman Jr.

**VOTE:** (4-1) Alex Keith opposed

**P20-08F.** Jennifer Baptiste presented the request to rezone three properties from Mixed Residential (MR-5) to Institutional (OI), located at 1014 Weiss Avenue. The property includes a structure on Weiss Avenue and a vacant lot. The applicant wants to open a theological school on the property in question. According to the site plan, the applicant wants to build a parking lot on part of the land.

The staff recommends approval of the rezoning from Mixed Residential 5 (MR-5) to Office and Institutional (OI) based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to provide options to landowners by allowing medium to high intensity uses that would not be traditionally allowed in a zoning district;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Speakers in favor of the rezoning request were as follows:

Billy Tharpe, 1006 Fleewood Drive, Fayetteville, NC 28305



There were no speakers in opposition so Baran closed the hearing and called for a motion.

**MOTION:** Alex Keith moved to approve the rezoning of the three properties from Mixed Residential 5 (MR-5) to Office & Institutional (OI).

**SECOND:** Roger Shah

**VOTE:** 4-1 Baran opposed

**P20-04F.** Baptiste presented a request for a conditional rezoning of a property from a split zoning of Single Family Residential 6 (SF-6) and Neighborhood Commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ), located at 409 Mayview Street. The property is located between Camden Road and Southern Avenue. The Future Land Use Map zones this area as light commercial. The applicant owns Simmons Masonry and wants to use the land for a parking lot and storage for the business.

Staff recommended conditions for the rezoning as follows:

1. Rezoning will be to allow outdoor storage of materials.
2. Storage will be enclosed by an eight feet high chain link or masonry wall and material stored will not exceed the height of the fence.

Staff recommended approval of the rezoning based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to provide options to landowners by allowing medium to high intensity uses that would not be traditionally allowed in a zoning district;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

The applicant was present for questions, but there were no questions and no one opposing the rezoning. Baran closed the hearing and requested a motion.

**MOTION:** Roger Shah moved to approve the conditional rezoning of a property from a split zoning of Single Family Residential 6 (SF-6) and Neighborhood Commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ).

**SECOND:** Alex Keith

**VOTE:** Unanimous (5-0)

#### **IV. OTHER BUSINESS**

Attorney Lisa Harper mentioned that she will not be present at next month's meeting.

## **V. ADJOURNMENT**

**MOTION:** Baran moved to adjourn the meeting.

The February 11, 2020, meeting adjourned at 7:33 p.m.

Respectfully submitted by Catina Evans

**P20-09F.** A Special Use Permit request to allow a paint and body shop in a former automotive part shop, zoned as Community Commercial (CC) and Heavy Industrial (HI), located at 350 E. Russell Street (Tax Map # 0437-72-8456), 0.63 acres  $\pm$  and being the property of Jimmy & Mary Fann and William & Catherine Fann, represented by Edgar Quinones. (Jennifer Baptiste)



## **ZONING COMMISSION STAFF REPORT**

**TO:** Zoning Commission Members  
**THRU:** Taurus Freeman – Planning & Zoning Divisional Manager  
**FROM:** Jennifer C. Baptiste, Senior Planner  
**DATE:** March 10, 2020

**RE:**

**P20-09F.** The request is for a Special Use Permit to allow a paint and body shop in a former automotive part shop, zoned as Community Commercial (CC) and Heavy Industrial (HI), located at 350 E. Russell Street (Tax Map # 0437-72-8456), 0.63 acres ± and being the property of Jimmy & Mary Fann and William & Catherine Fann, represented by Edgar Quinones.

**COUNCIL DISTRICT(S):**

2 – Shakeyla Ingram

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**Relationship to Strategic Plan:**

2030 Goals, Goal II: Diverse and Viable Economy

Objective A: To sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Objective B: To implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

**Executive Summary:**

The applicant is requesting that a Special Use Permit be issued to allow a paint and body shop to operate out of this location. As recently as 2018, this site was used as a Car Quest Auto Part store. This structure is currently vacant.

**Background:**

Owners: Jimmy & Mary Fann and William & Catherine Fann

Applicant: Edgar Quinones of Eggzyz Customz

Requested Action: SUP

Properties Addresses: 350 E Russell Street

Council District: 2 – Shakeyla Ingram

Status of Properties: Vacant commercial building

Size: Approximately 0.63 acres +/-

Adjoining Land Use & Zoning:

- North - CC – Bank & Vacant Commercial
- South - HI – Vacant Industrial
- West – CC & HI – Undeveloped
- East – CC & HI – Commercial Retail

Letters Mailed: 26

Land Use Plan: Downtown

Traffic Count: Between 8,200 and 8,900 (2016 AADT)

#### Additional Reviews:

Technical Review Committee (TRC) – A preliminary review has been conducted as part of the Special Use Permit application process. In general development comments were received, but specific comments were also provided. Specific comments from the fire department included:

1. This will be a change of use. Will need to verify the square footage of the building. Over 12,000 square feet will require a sprinkler.
2. Will need plans for paint booth and paint booth suppression system.

A full TRC review will be conducted if the Special Use Permit is approved.

#### **Issues/Analysis:**

According to the Cumberland County Tax Department website, this building was constructed in the 1990s. When the site was developed, it was developed according to the standards of the City of Fayetteville's Ordinance. With the adoption of the Unified Development Ordinance in 2013, automotive painting/body shop was identified in the Use Table as a use requiring the issuance of a Special Use Permit in the Community Commercial (CC) zoning district.

This portion of East Russell Street is dominated primarily by various commercial and industrial uses. This site is approximately 0.63 acres with the building being a 5,500 square feet steel frame structure. The front exterior of the building closest to E. Russell Street has a typical storefront façade. The recessed portion of the building is designed to accommodate the automotive repair/painting aspect of the business and has overhead rolling automotive service doors facing the rear property line. The site has parking in the front, along the northern property line, and chain linked fenced parking in the rear of the building.

The applicant is requesting a Special Use Permit be issued for the site to allow the operation of an automotive painting/body shop. The applicant is seeking to relocate his existing business, Eggyz's Customz, from 4003 Raeford Road to this site. There are currently two employees, the applicant and his wife, and the operating hours for the business are Monday through Friday, 9:00am until 5:00pm.

According to the applicant, all vehicle repairs will be completed indoors. Vehicle painting and any waste disposal will have to be performed in compliance with Federal, State, and Local safety and environmental regulations.

The SUP must meet the following findings of facts:

- (1) **The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;**



According to Section 30-4.C.4.k.1 *Automotive Painting/Body Shop*, "shall comply with the following standards:

- a. In districts where the use is permitted, the use shall be located at least 250 feet from any residential building, educational facility (except vocational schools), or child care center. When the use is allowed subject to a special use permit, the appropriate distance can be determined based on site conditions.
- b. Vehicles shall not be parked as a source of parts or for the purpose of sale or lease/rent.
- c. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is not larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section **30-5.D**, Fences and Walls.
- d. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(2) **The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;**

The proposed use is similar to the previous development uses of this site. In addition, the use directly adjacent to this site is an automotive machinist shop that has been in operation since the 1990s. These uses have operated in this area without conflicting with the other neighboring business and without impeding traffic.

(3) **The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The current site is existing and any additions to the site will have to meet the requirements of the UDO.

(4) **The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan demonstrates how this property will be expanded and secured from public use and access.

(5) **The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

This property is already developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.

(6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

This property is located on a Major Thoroughfare and will not require new ingress and egress points to accommodate the proposed use.



- (7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

This site is being established to a similar previous use and is consistent with the overall area. No documentation has been submitted showing that property values would be negatively affected.

- (8) **The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends **Approval** of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The expansion of this use is allowed in the Community Commercial (CC) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the 2010 Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

**Recommended Action:**

**OPTION 1**

I move to APPROVE the Special Use Permit (SUP) to allow an existing nonconforming use to conform to the current Unified Development Ordinance standards and allow the business to expand onto a portion of an adjoining site as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Community Commercial and Heavy Industrial district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is May 7, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

\*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow an existing nonconforming use to conform to the current Unified Development Ordinance standards and allow the business to expand onto a portion of an adjoining site as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #\_\_\_\_\_.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is May 7, 2020.

\* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].



(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Site Plan I



## Project Overview

#362209

**Project Title:** 350 Russell st  
**Application Type:** 5.3) Special Use Plan Review  
**Workflow:** Staff Review

**Jurisdiction:** City of Fayetteville  
**State:** NC  
**County:** Cumberland

## Project Location

**Project Address or PIN:** 350 EAST RUSSELL ST FAYETTEVILLE N.C 28301 (Unverified)

## GIS Verified Data

**Property Owner:**  
**Zoning District:**

**Acreage:**  
**Subdivision Name:**

## Written Description of Special Use

Is the proposed project for a cell tower?: No

**A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:**  
We would like to lease and make into a automotive body and paint shop if possible from Monday thru Friday's 9 to 5 . Currently it's just 2 employees my wife and myself. We are currently located on 4003 reaford rd Eggz customz LLC.

**B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:** It use to be a carquest auto part store and auto repair shop. Also their's a machine shop next door which been there for 30 yrs.

## Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

**Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:** Its commercial, no residential homes close by .

**Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:** All business around in every direction

**Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:** Everything will be done indoor on repairs and painting with state of the art spray booth filtering and with fire suppression system.

**Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:** It wouldn't affect any at all a company will depose of all thinner and paint materials from 50 gallon drums

**Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:** Wouldn't affect at all paint and thinner will not be spilled and will depose in 50 gallon drums

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:

Will not affect any road conditions

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: Becoming a automotive business will help the property value and possible develop jobs for the neighborhood

The special use complies with all other relevant City, State, and Federal laws and regulations.: Yes all will be within the laws and regulations

#### Primary Contact Information

##### Project Contact - Agent/Representative

edgar Quinones  
eggyz customz  
4003 reaford rd  
fayetteville, NC 28304  
P:9102232660  
[edgarquinones338@gmail.com](mailto:edgarquinones338@gmail.com)

Indicate which of the following project contacts should be included on this project:

##### Project Owner

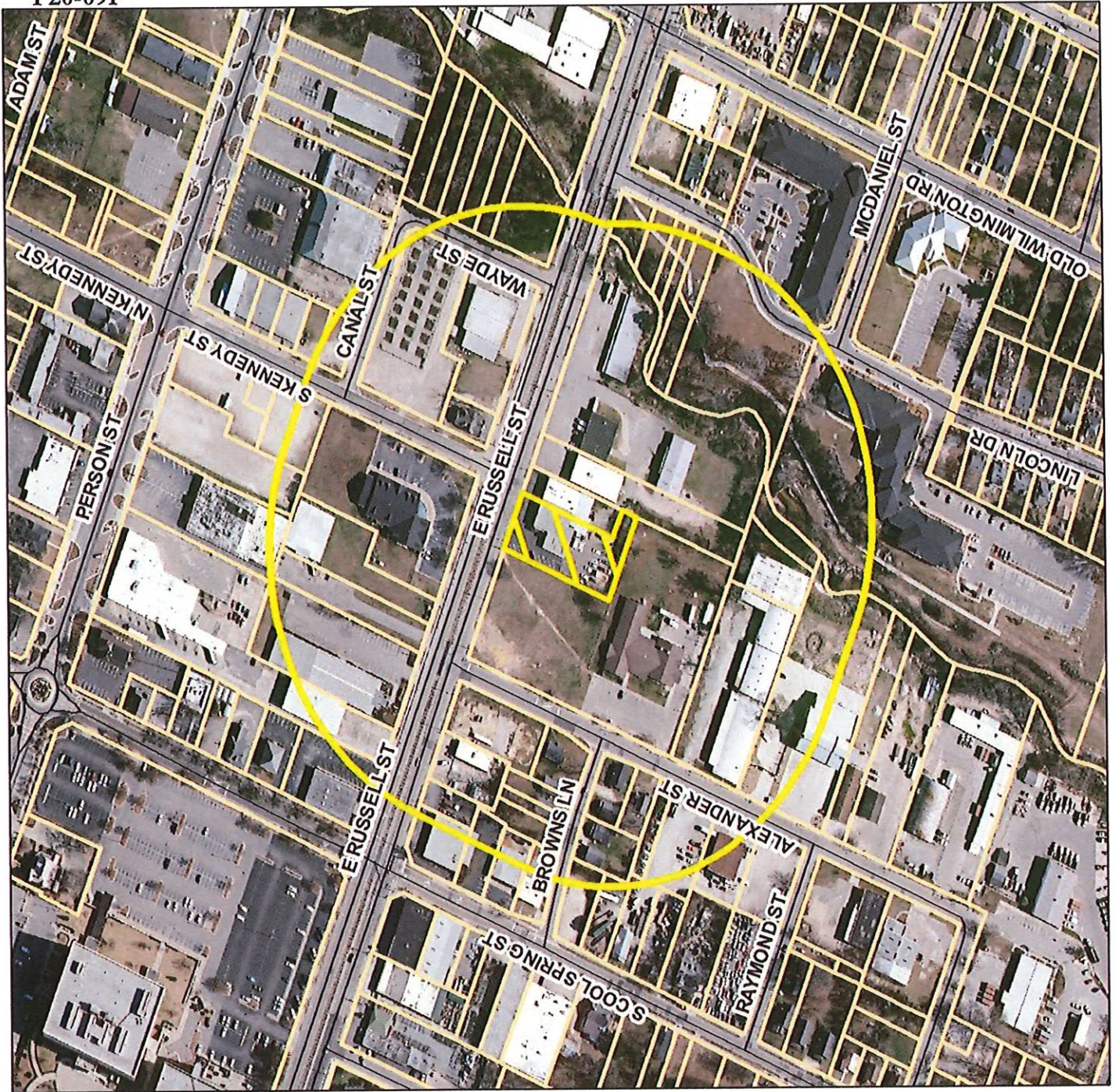
edgar Quinones  
eggyz customz  
4003 reaford rd  
fayetteville, NC 28304  
P:9102232660  
[edgarquinones338@gmail.com](mailto:edgarquinones338@gmail.com)

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :



P20-09F



## Aerial Notification Map

Zoning Commission  
3/10/2020

Case #: P20-09F

Request:  
Special Use Permit  
Paint & Auto Body Repair

Location:  
350 E. Russell Street

Pin: 0437-72-8456  
Acreage: 0.63 acres



### Legend



City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**

Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



## Zoning Map

Zoning Commission  
03/10/2020

Case #: P20-09F

Request:  
Special Use Permti  
(Paint & Body Repair)

Location:  
305 E. Russell Street

Pin:  
0437-72-8456

Acreage:  
0.63 acres



- CC - Community Commercial
- HI - Heavy Industrial
- MR-5 - Mixed Residential 5
- MU/CZ - Conditional Mixed-Use

City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**





## Land Use Map

Zoning Commission  
03/10/2020

Case #: P20-09F

### Request:

Special Use Permit  
(Paint & Auto Body Repair)

### Location:

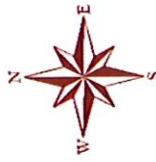
305 E. Russell Street

### Pin:

0437-72-8456

### Acreage to be Rezoned:

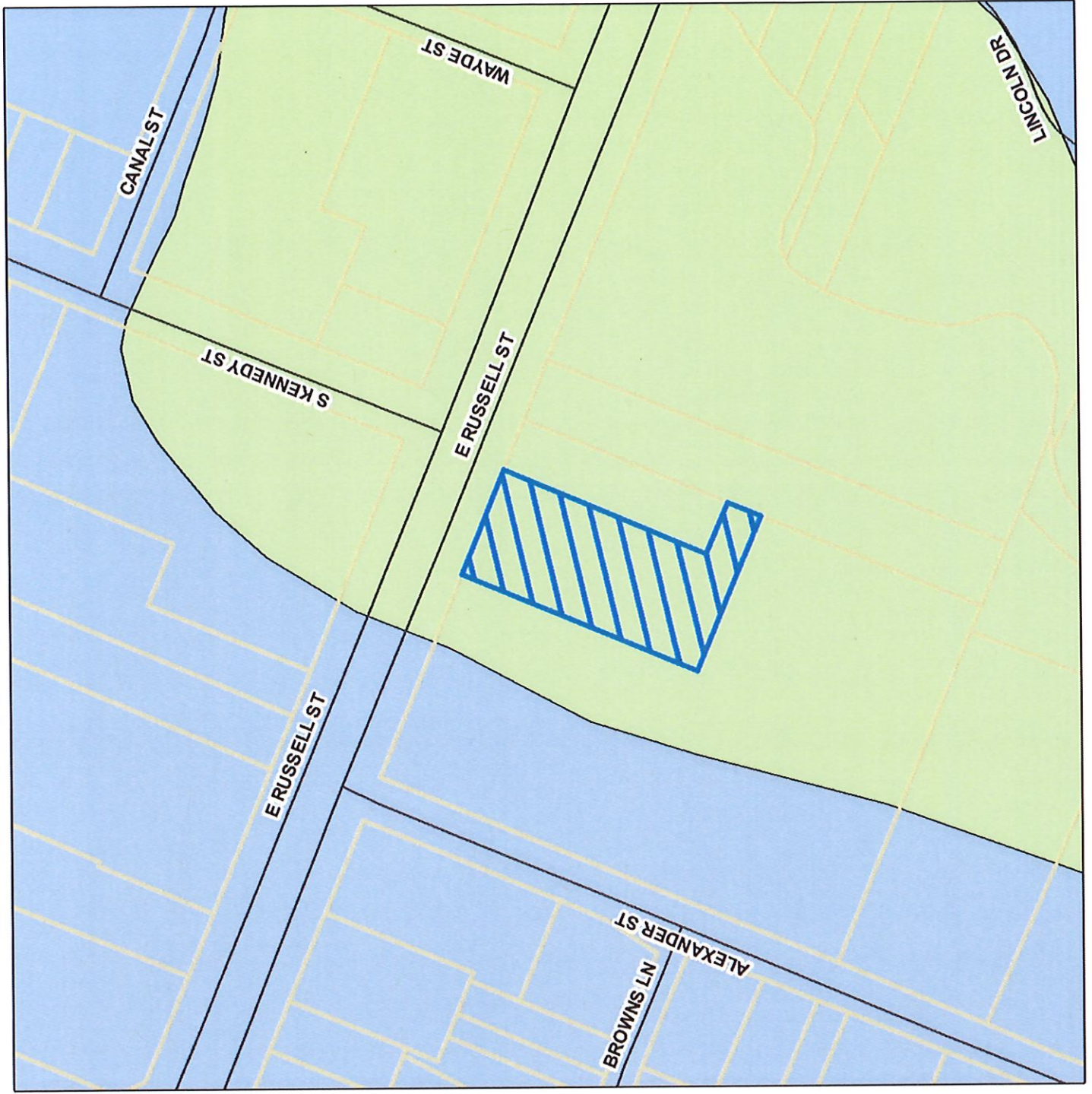
0.63 acres



### Legend



City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**

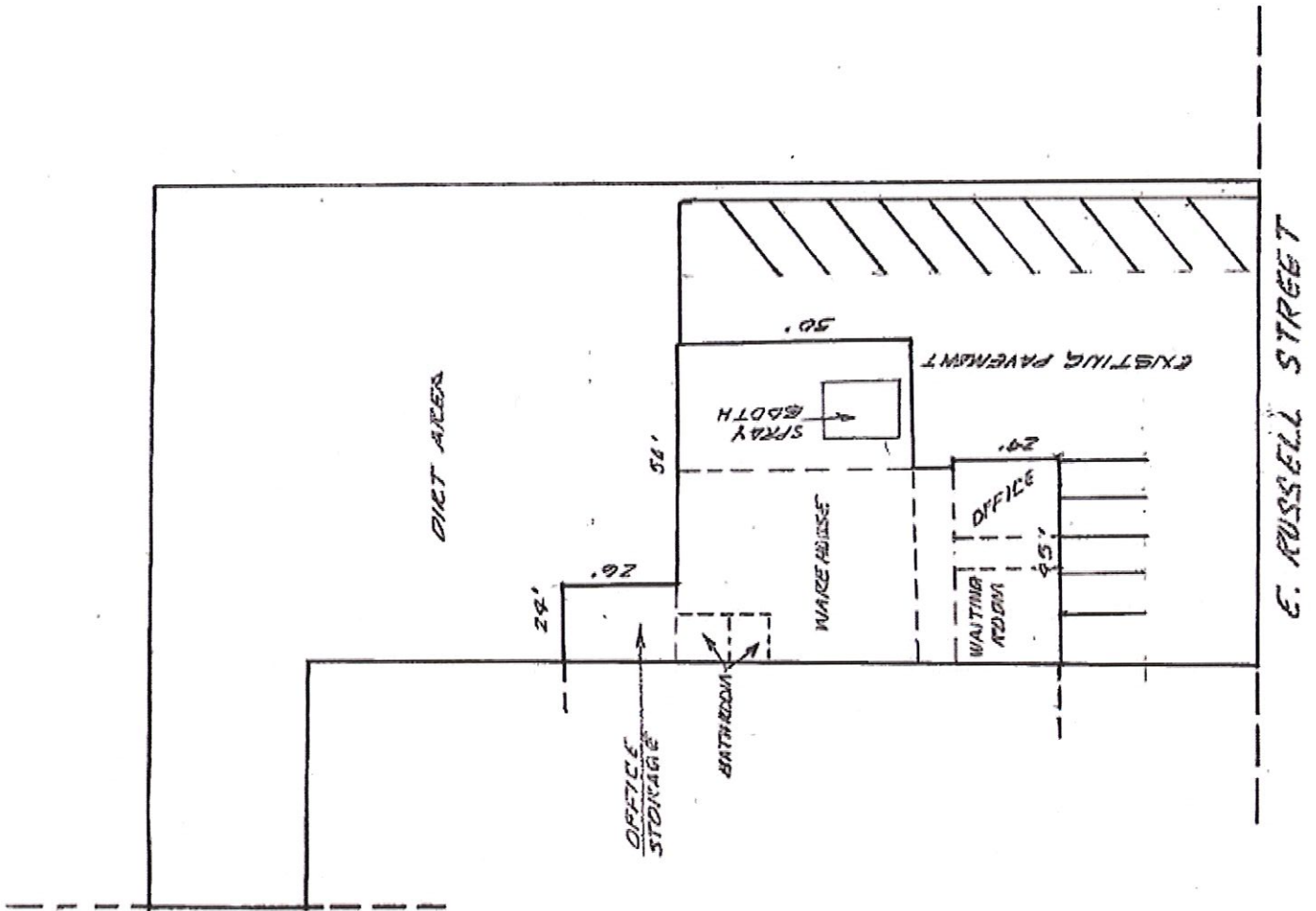




# Subject Property







**P20-13F.** A Special Use Permit request to allow a communications tower to be located in a Community Commercial (CC) zoning district, located at 1876 Bureau Drive (Tax Map # 0455-17-6410) and being the property of Beasley Broadcasting. (Craig Harmon)



# **ZONING COMMISSION STAFF REPORT**

**TO:** Zoning Commission Members  
**THRU:** Taurus Freeman – Planning & Zoning Divisional Manager  
**FROM:** Craig M. Harmon, CZO - Planner  
**DATE:** March 10, 2020

**RE:**

**P20-13F.** The reissuing of a Special Use Permit to allow a Communications Tower to be located in a Community Commercial (CC) Zoning District at 1876 Bureau Drive (Tax Map # 0455-17-6410) near the intersection of Bureau Drive and Cedar Creek Road, and is the property of Beasley Media Group.

**COUNCIL DISTRICT(S):**

2 – Shakeyla Ingram

---

**Relationship To Strategic Plan:**

2030 Goals, Goal III: High-Quality Built Environment  
Objective E, to develop and sustain access to connectivity that increases our smart city capacity.

**Executive Summary:**

On November 1, 2018 Beasley Media Group was issued a Special Use Permit (SUP P18-30F) by the City to construct and operate a 195-foot communications tower at 1876 Bureau Drive, just south of Ruby Tuesday and Cedar Creek Road, across the street from the Holiday Inn.

The property owners failed to acquire a building permit before the one year time limit for a SUP. All SUPs shall expire one year from its effective date if a building permit is not issued within that time.

**Background:**

Owner: Beasley Media Group (Mike Cooney)  
Applicant: Ned Garber III (The RubiconGroup, Inc.)  
Requested Action: SUP for a Communications Tower  
Property Address: 1876 Bureau Drive  
Council District: 2  
Status of Property: Beasley Media offices  
Size: 1.18 acres +/-  
Adjoining Land Use & Zoning:

- North: CC - Undeveloped & Business

- South: C(P) County - Farm
- West: R10 County - Farm
- East: CC & C(P) County - Hotel

Letters Mailed: 10

### **Land Use Plan: Activity Node**

2030 Growth Management Plan: Policy 3.2: Advanced Planning for All Infrastructure facilities shall be supported and routinely updated on a countywide basis. Facilities benefited by advanced planning shall include, at a minimum, schools, roads, water, sewer, stormwater management, parks, and greenways.

### **Additional Reviews:**

Technical Review Committee (TRC) – A preliminary review was conducted on this site plan. As a result, the proposed plan was given preliminary approval.

### **Issues/Analysis:**

On October 22, 2018 the Fayetteville City Council held a public hearing regarding case P18-30F. The application by Beasley Media Group requested the approval to construct and operate a 195-foot communications tower at 1876 Bureau Drive, just south of Ruby Tuesday and Cedar Creek Road across the street from the Holiday Inn.

Since the issuance of the SUP, the property owners failed to acquire a building permit before the one year time limit had expired. With this application, Beasley Media Group is submitting the same communications tower request that was approved in 2018. The applicant proposes a free-standing, triangular shaped lattice tower with three (3) support legs and steel framing.

The proposed tower location is within the Community Commercial (CC) zoning district. The City's standards call for a setback of half of the tower height from each of the adjoining property lines. The applicant is asking for a reduction in this setback requirement through the SUP process. A tower that is 195 feet tall would require a setback of 97.5 feet. The applicant is asking for a reduction in this number for the property lines to the west (15 +/- foot reduction) and south (49 +/- foot reduction), as shown on the attached site plan. Both of these property lines are adjacent to areas where an active farm currently is located.

### **The SUP must meet the following findings of fact as well.**

1. The special use complies with all applicable standards in Section 30-4.C.3.i, Use-Specific Standards; [See the attached site plan, continuation sheet, and application. The owners request a reduction in the setback requirements as shown on the site plan and in the Issues/Analysis section above.

### **Use-Specific Standards:**

Freestanding Towers [Please see the attached application, continuation sheet and site details that show how the applicant will comply with City ordinances].

#### **4. Freestanding Towers**

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

##### **a. Safety**

1. Before obtaining a Building Permit, the applicant shall submit to the City Manager engineering drawings for the tower, sealed by a licensed engineer,



that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.

2. Every two years after construction of a tower, the owner shall submit to the City Manager a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

b. *Height*

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.

c. *Aesthetics*

1. A monopole shall be used unless a different structure is explicitly approved by City Council.
2. Towers shall either maintain a galvanized steel finish or be painted.
3. Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
4. The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).
5. Photo imagery shall be used to illustrate the appearance of the facility and its visual impact on the area.

d. *Lighting*

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the City Manager before issuance of any building permit for the tower.

e. *Setbacks*

1. Except as provided in subsection iii., telecommunications towers shall be set back from abutting property lines the distance equal to or exceeding that in Table 30-4.C.3, Freestanding Telecommunications Tower Setback Standards.
2. Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
3. When a tower, building or other structure is being added to an existing telecommunications tower site that was in existence prior to the adoption of the setback requirements under subsection b.i. and ii. above and the existing site does not comply with the setback requirements of subsection b.i. and ii., the Council, upon good cause shown by the applicant and evidence provided by a North Carolina registered professional engineer regarding the safety of the proposed setback, may reduce the setback requirements for the tower, building or other structure to be added to the existing site.



f. *Separation from Other Towers*

New telecommunication towers shall not be located within 1,500 feet of an existing telecommunications tower. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure. The 1,500-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics.

g. *Collocation*

1. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
2. New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental, the rent paid by a current collocater under a swapping agreement need not be considered.

h. *Buffer and Screening*

A Type D buffer (see Section 30-5.B.4.d, Property Perimeter Landscape,) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

i. *Security Fencing*

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

j. *Interference*

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially zoned land.

k. *Use of Associated Buildings*

Building and structures associated with a telecommunications tower shall not be used as an employment center for any worker. This does not prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility.

l. *No Outdoor Storage*

No outdoor storage shall be allowed on a telecommunications tower site.

m. *Compliance with State or Federal Laws and Regulations*

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

n. *Replacement of Existing Towers*

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:



1. The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
2. The replacement tower shall be located within 100 feet of the replaced tower, unless the City Manager determines that a farther distance furthers the purpose and intent of this Ordinance.
3. The replacement tower shall comply with all the standards of this section.
- o. *Nonconforming Telecommunications Towers*  
Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Article 30-7: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.
- p. *Discontinued Use*  
If a telecommunications tower is not used for a period of six consecutive months, the City Manager may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.
5. *Collocation of Antennas on Existing Towers*  
Antennas may be collocated on existing towers if they comply with the following standards:
  - a. It is demonstrated the tower can accept the additional structural loading created by the collocation.
  - b. Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 30-4.C.3.i.4.b, Height.
  - c. Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.
6. *Placement of Antennas on an Existing Buildings*  
An antenna may be attached to any business or multi-family residential building in accordance with the following standards:
  - a. *Height*  
The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.
  - b. *Other Standards*  
Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.
  - c. *Screening*
    1. Antennas visible from the street shall be omni-directional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.
    2. All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

**Conditions recommended by the Zoning Commission and staff.**

1. Compliance with the attached site plan, with final review and approval by the TRC, including the reduction in the required tower yard setbacks identified previously.

**The Zoning Commission and City staff recommend Approval of the proposed SUP based on:**

- The tower would be located in a commercial area that is away from other development.
- This would still be in compliance if a setback reduction is granted.
- The condition listed above.
- The proposal meets all of the use-specific standards listed above.
- The proposal meets all eight findings of fact.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

**Options:**

1. Approval of the SUP with the conditions listed above (Recommended).
2. Approval of the SUP with additional conditions.
3. Approval of the SUP without conditions.
4. Denial of the SUP

**Recommended Action:**

**OPTION 1**

I move to APPROVE the Special Use Permit (SUP) to allow a communications tower in a CC Community Commercial district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Heavy Commercial District and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is May 7, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

\*For a motion to approve, all eight findings below must be met:

1. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]



4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
8. The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow a communications tower in a CC commercial zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application is inconsistent with applicable plans because: (1) the proposed tower does not meet the City's Unified Development Ordinance (UDO) standards and (2) that this use does not comply with the findings listed below and (3) the proposed permit is not in the public interest because the proposed SUP does not fit with the character of the area. [List any of the eight findings below that have not been met.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is May 7, 2020.

\* For a motion to deny only one of the findings shown below needs to not apply.

1. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts].

**Attachments:**

1. Aerial Map
2. Zoning Map
3. Land Use Plan Map
4. Application
5. Site Plan
6. Applicant Simulation Photos
7. Site Photos



## Project Overview

#365600

**Project Title:** Beasley Broadcasting Tower  
**Application Type:** 5.3) Special Use Plan Review  
**Workflow:** Staff Review

**Jurisdiction:** City of Fayetteville  
**State:** NC  
**County:** Cumberland

## Project Location

### Project Address or PIN:

- 0455-17-6410 (Unverified)
- 1876 BUREAU DRIVE (Unverified)

## GIS Verified Data

**Property Owner:**  
**Zoning District:**

**Acreage:**  
**Subdivision Name:**

## Written Description of Special Use

Is the proposed project for a cell tower?: Yes

**A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:**

The proposed special use is a free standing broadcasting tower, with three (3) supporting legs, and with a total height of 195 feet above grade. The proposed tower structure consists of galvanized steel frame (gray in color) with a triangular shaped base, anchored to the ground with a concrete pier below each leg. The tower will support radio broadcasting equipment (microwave dishes, antennas, cabling, etc.). The tower is proposed to be adjacent to an existing building on the same parcel which is proposed to be used for a relocated radio broadcasting facility, including radio studios and supporting offices. The proposed radio facility which is a permitted use in the CC zone, will be a 24/7 operation. Office support staff will observe normal business hours with radio technical staff and supporting staff utilizing the studios and technical spaces throughout the day and week.

**B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:** The existing parcel is located in the Community Commercial (CC) District. The proposed use of the existing building is a radio broadcasting service. The proposed tower will maximize the range of listeners and provide



the highest quality signal available. The location of the existing parcel is on the city limit line and adjoins un-incorporated Cumberland County. The existing property to the north is also zoned Community Commercial (CC) and is an existing restaurant Ruby Tuesday. The existing property to the south is currently an un-developed wooded lot that is outside the city limits of Fayetteville. The existing property to the west is currently and un-developed wooded lot that is outside the city limits of Fayetteville. The existing property to the east is across the street Bureau Drive and is currently and un-developed wooded lot that is outside the city limits of Fayetteville.

**Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).**

**Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:** See attached sheet for use specific standard compliance

**Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:** The surrounding land consists of un-developed wooded lots, outside of the City of Fayetteville's boundary, and similar CC - Community Commercial district properties. See section B above. The proposed site is away from residential districts and the city center, consistent with the surrounding commercial uses.

**Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:** The proposal special use will not affect service delivery, parking or loading of any adjacent property, or the proposed broadcasting facility use of the existing site. Since the proposed tower is to be located within the existing site and adjacent to the existing building (proposed for broadcasting use), surrounding roads and parking access is not affected. The proposal tower will not generate odors, noise or vibration that will affect adjacent properties or the property the proposed tower will sit. The proposed tower and accessory component (antennas, cabling) will not have reflective materials, or finishes, that would cause glare or visual distraction to surrounding properties. This tower primary use is a microwave relay tower and it will not generate any significant amounts of RF radiation that could cause interference to other communications. Everything antenna on the tower will meet the current FCC rules and standards.

**Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:** The proposed tower will certainly be visible from surrounding properties due to the height of 195'-0". The use of open steel framing, with minimal steel section sizes (to reduce weight and cost), will provide as open a frame as possible to minimize visual obstruction. Additionally, the galvanized finish of the framing, and non-reflected materials/finishes for the frame and accessory components (microwave dishes, antennas, cabling, etc.) will also help minimize the visibility from surrounding properties.

**Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:** The proposed tower will be contained within an existing developed site, thus not disturbing any additional natural areas. The proposed tower location and security fencing will only affect existing paving with the existing property. The tower and telecommunication use will not affect any water sources, air quality, wild life habitats or natural resources as a function of broadcasting radio transmissions. Regarding scenic resources, the tower will be visible due to it's height of 195'-0", but construction type and materials/finishes will be utilized in a manner to minimize the visual impact as much as possible(see section D above).

**Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:** The proposed tower structure is to be located within an existing developed site, adjacent to an existing building which is intended to be used as a broadcasting facility. The existing surrounding roads and on site parking is not proposed to be affected by this tower. A security fence is proposed to be placed around the tower an a portion of existing parking, in an effort to control access to the tower as well as create a secure and safe parking area for the broadcast facilities vehicles.

**Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.:** The proposed tower will support the adjacent proposed broadcasting facility. This facility is intended to be the new home of relocated radio stations, which are currently located in the center of the city. the investment of the technical facility and the importance of radio broadcasting as a communication connection to the community will complement the character and commercial nature of the area CC district. All the stations in this proposed facility are a part of the National EAS (Emergency Alert System) and serve the public in times of severe weather and other times of disaster. The proposed



tower will be a visual connector to the location of this community resource of information and entertainment. The proposed facility and tower will provide a high quality and state of the art broadcasting transmission for the use of the community. the location of this proposed facility which is away from residential uses and outside the city center adjoins un-developed wooded lots that are outside of the city limits.

**The special use complies with all other relevant City, State, and Federal laws and regulations.:** The proposed tower structure will be designed by a licensed state structural engineer, and drawings will be provided to all authorities having jurisdiction for permitting, Likewise, the adjacent existing building will be designed by a state licensed architect and engineers for a separate building permit upon approval of the tower. Statements that the tower will meet all applicable local, State and Federal building codes, as well as structural standards will be provided.

#### Primary Contact Information

##### Project Contact - Agent/Representative

Ned Garber, III  
The Rubicon Group, Inc.  
PO Box 188  
FAYETTEVILLE, NC 28301  
P: +19103231101  
[nedgarber@rubiconnc.com](mailto:nedgarber@rubiconnc.com)

##### Project Owner

Mike Cooney  
Beasley Media Group  
508 Person Street  
Fayetteville, NC 28301  
P: 239-263-5000  
F: 239-434-8950  
[mike.coney@bbgi.com](mailto:mike.coney@bbgi.com)

Indicate which of the following project contacts should be included on this project: Contractor, Engineer

##### Project Contact - Primary Point of Contact for the Contractor

E.C. (Ned) Garber, III

565 Gillespie Street  
Fayetteville, NC 28301  
P: 910-323-1101  
F: 910-323-9228  
[nedgarber@rubiconnc.com](mailto:nedgarber@rubiconnc.com)

NC State License Number: 19733

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

##### Project Contact - Primary Point of Contact for Engineer

E.C. (Ned) Garber, III

565 Gillespie Street  
Fayetteville, NC 28301  
P: 910-323-1101  
F: 910-323-9228  
[nedgarber@rubiconnc.com](mailto:nedgarber@rubiconnc.com)



# Aerial Notification Map

Zoning Commission  
03/10/2020

Case #: P20-13F

Request:  
Special Use Permit  
Communications Tower

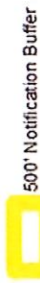
Location:  
1876 Bureau Dr

Pins:  
0455-17-6410

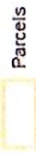
Acreage:  
1.18 acres



## Legend

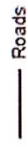


500' Notification Buffer



Parcels

Roads



Roads

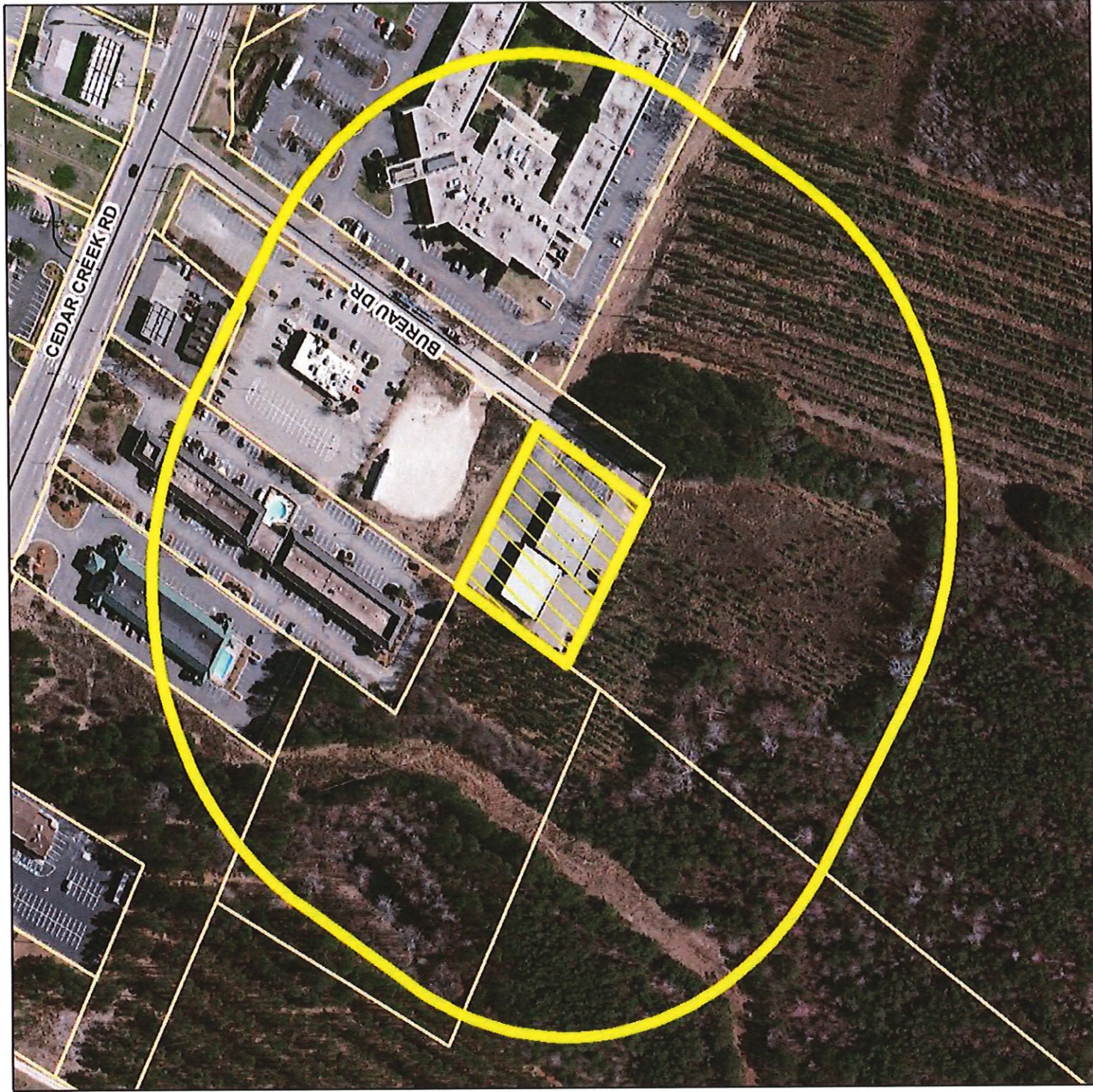


Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:





# Zoning Map

Zoning Commission  
03/10/2020

Case #: P20-13F

Request:  
Special Use Permit  
Communications Tower

Location:  
1876 BUREAU DRIVE

Pins:  
0455-17-6410

Acreage:  
1.18 acres



## Legend

- Zoning District**
- CC - Community Commercial
  - LC - Limited Commercial
  - County



# Land Use Map

Zoning Commission  
03/10/2020

Case #: P20-13F

Request:  
Special Use Permit  
Communications Tower

Location:  
1876 BUREAU DRIVE

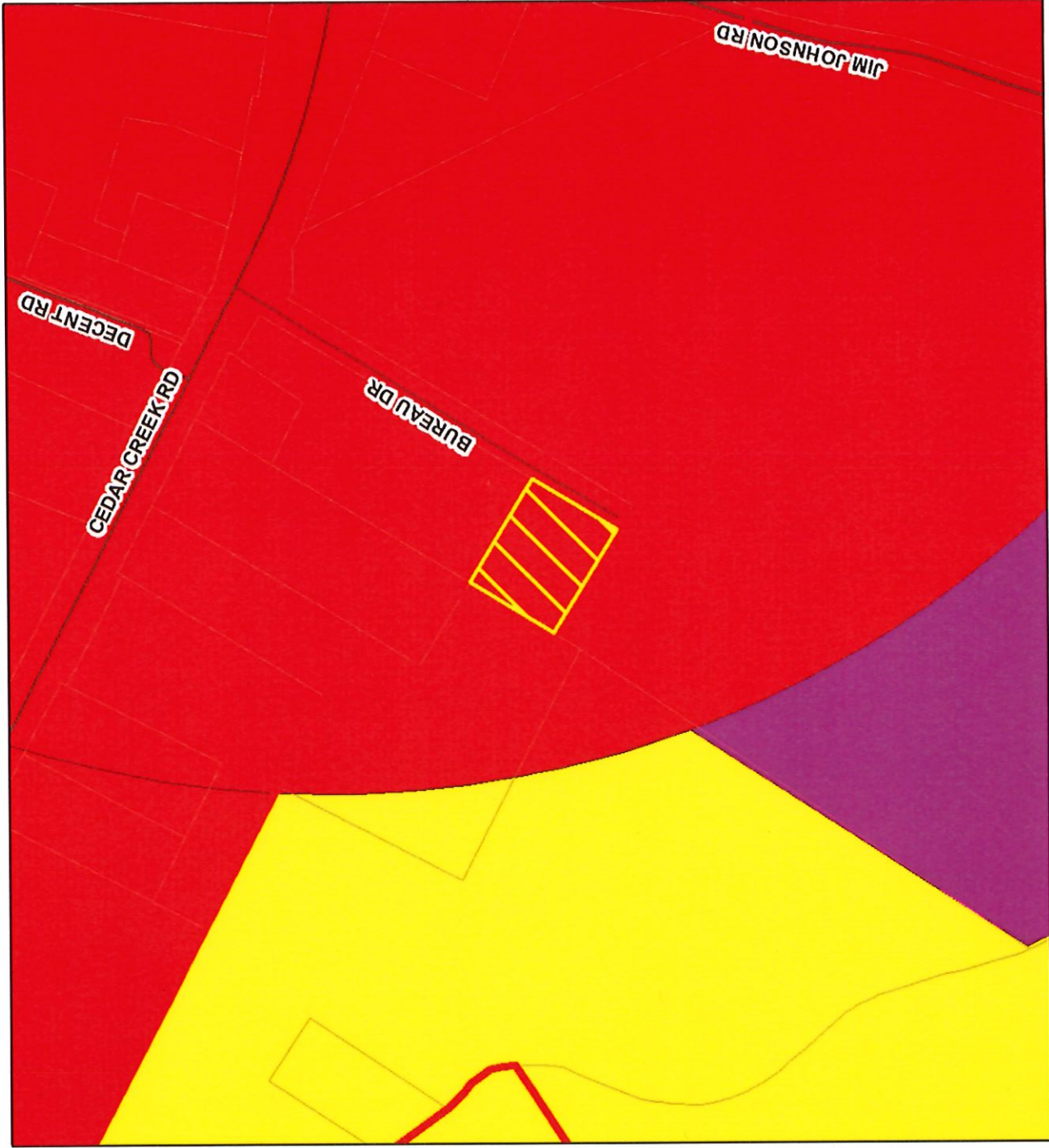
Pins:  
0455-17-6410

Acreage:  
1.18 acres



- Low Density Residential
- Heavy Commercial
- Activity Node
- Heavy Industrial

City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**





# Subject Property





# Surrounding Properties



East

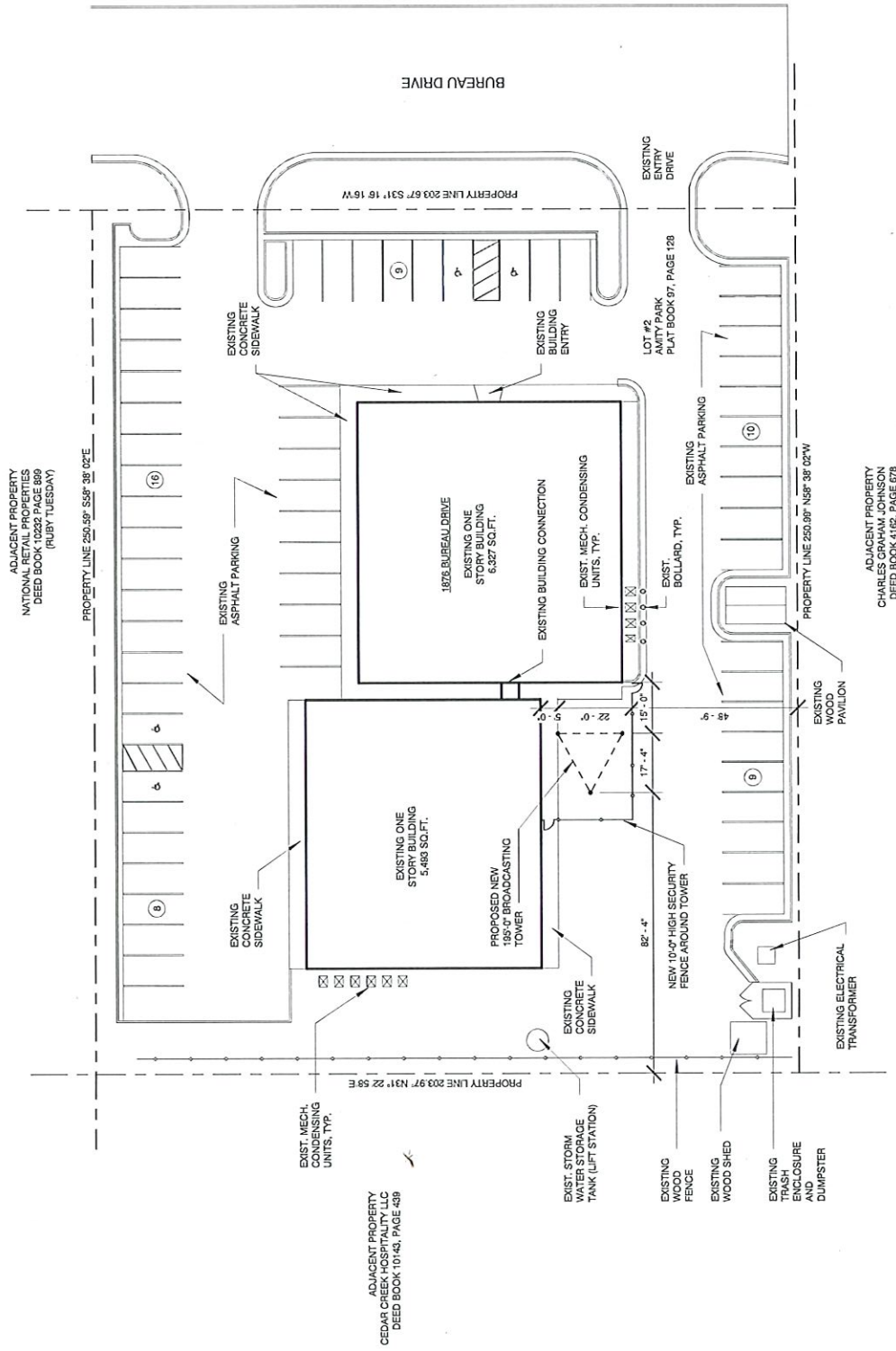


West



South





PROPOSED BROADCASTING TOWER SITE  
PLAN  
SCALE : 1/32" = 1'-0"

BEASLEY MEDIA GROUP, FAYETTEVILLE NC  
PROPOSED BROADCASTING TOWER  
18031

## Continuation Sheet - Special Use Permit Application Form

RE: 1876 Bureau Drive - Proposed Freestanding Communications Tower

### 3. Special Use Permit Justification.

- A. Indicate How the special use complies with all applicable use-specific standards in the City Code of Ordinances.

*Reference Article 30-4 Use Standards; 30-4c Use Specific Standards  
Telecommunication Facilities - Free Standing Towers:*

#### A. Safety

1. *Building Permit - A full set of signed and sealed engineering drawings will be provided for design of the proposed tower structure, including a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards. This submittal will be provided with the building permit application.*
2. *Every two years, the owner shall submit a structural report, from a state licensed structural engineer, indicating the structural condition of the tower. This report shall be submitted to the City Manager.*

#### B. Height

1. *The proposed tower height is set at 195'-0" above surrounding grade. This proposed height is less than the maximum allowable height of 450'-0".*

#### C. Aesthetics

1. *The proposed tower will be a free standing, triangular shaped lattice tower with three (3) supporting legs, and lattice type steel framing. The proposed tower is not a 'monopole' type structure.*
2. *The proposed tower is to be constructed of galvanized steel framing members, which will have a grey color finish. The proposed height does not require a painted finish by the FAA.*
3. *The proposed tower will have a galvanized finish, and no painting is proposed for this structure.*
4. *The proposed location of this tower is directly adjacent to an existing building structure (proposed broadcasting facility) and will not require any accessory structures. The proposed tower is also not located in a residential district.*



5. Photo imagery is included with the special use permit application and includes images of the existing building with the addition of graphic overlay depicting the proposed tower placement and appearance.

**D. Lighting**

1. The proposed tower height does not require additional lighting by the FAA.

**E. Setbacks**

1. The proposed 195 foot tower does not meet the standards set forth in Table 30-4.C.3. The proposed tower would be located approximately 50'-6" from its closest edge to the south property line, 75'-0" from the closest edge to the west property line, 155'-0" from the closest edge to the east property line and 132'-0" from the closest edge to the north property line.
2. The existing building which is adjacent to the proposed tower, would be used as the broadcasting facility. The proposed use of this existing building is allowable in the zoning district and meets the setback requirements for this district.
3. This standard is not applicable, as there are no existing telecommunication towers or facilities on the site.

**F. Separation from Other Towers**

1. There are no other existing telecommunication towers located within 1,500 feet (in any direction) of the proposed tower.

**G. Collocation**

1. Unless the studio and transmission facilities are collocated, every radio studio needs a tower to relay the signal out to the main transmission facilities. The new proposed broadcast facility will house 6 radio station studios and support staff. Because the studio requires a relay tower very close to its building to keep cable lengths short, the only option is to build an adjacent tower. There are no existing tower and building combinations that would work for this purpose.
2. While the new tower may not accommodate another AM / FM broadcaster, it will be built with extra capacity to hold two cellular carriers and possibly some two-way communications antennas. Beasley owns dozens of towers around the country and we would welcome tenants to our new tower.

**H. Buffer and Screening**

1. The proposed tower location on the existing site is in the rear of the lot behind an existing building proposed for the broadcasting facility. The tower base will not be visible from Bureau Drive or any adjoining city properties. The two sides of the property that the tower will be visible from, are outside the city limits and currently un-developed wooded lots. The proposed security fence that will enclose the tower and a portion of the existing parking lot (see site plan) will meet the requirements of the fencing regulations.

**I. Security Fencing**

1. A security fence, 10'-0" in height, is proposed around the tower and portions of existing site, to create a secure area of the proposed broadcasting facility. See site plan.

**J. Interference**

1. The proposed tower and broadcasting frequencies will not create interference with affect telecommunication reception on adjacent properties. The adjoining properties do not include residential zoned districts.

**K. Use of Associated Buildings**

1. The proposed tower and existing adjacent building, will not be utilized as an employment center. The intent of the existing building is to be used as the broadcasting facility that is supported by the proposed tower.

**L. No Outdoor Storage**

1. There will be no outdoor storage on the proposed site.

**M. Compliance with State and Federal Laws and Regulations**

1. The proposed tower will be designed in accordance with State and Federal (including FAA and FCC) standards.

**N. Replacement of Existing Towers**

1. This section is not applicable, as there are no existing towers on the proposed site.

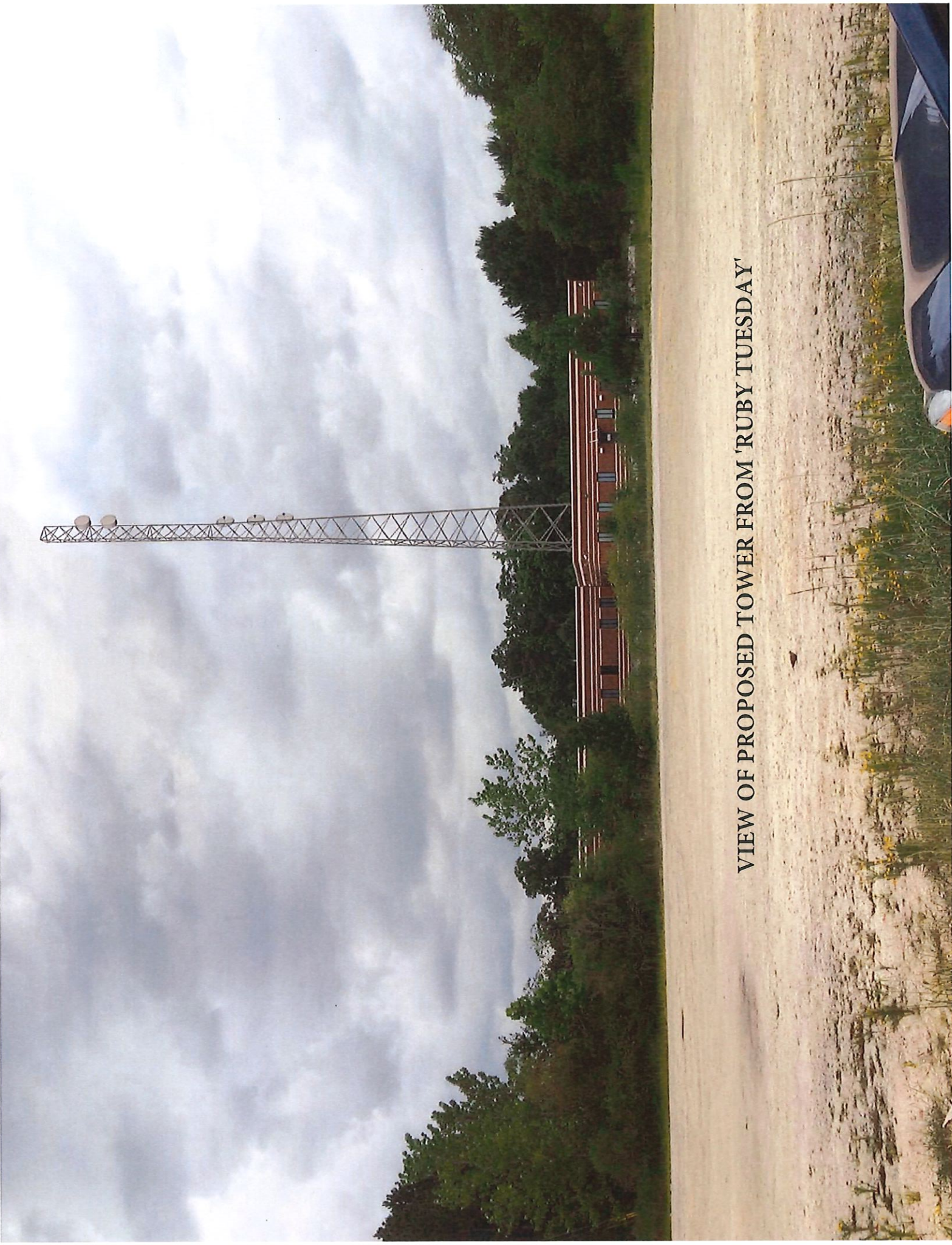


**O. Nonconforming Telecommunications Towers**

- 1. This section is not applicable, as there are no existing towers on the proposed site.**

**P. Discontinued Use**

- 1. The intent of the proposed tower is to have continued use. In the event of non-use, the owner will conform with the municipal code.**



VIEW OF PROPOSED TOWER FROM 'RUBY TUESDAY'





VIEW OF PROPOSED TOWER FROM 'HOLIDAY INN'



VIEW OF PROPOSED TOWER FROM ACROSS CEDAR CREEK ROAD

